

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JOHN D. FOSBINDER,**

**Plaintiff,**

**VS.**

**COVENTRY HEALTH CARE OF  
NEBRASKA, INC.,**

**Defendant.**

**8:06CV522**

## CASE PROGRESSION ORDER

**IT IS ORDERED** that the parties' Stipulation for Entry of Progression Order [44] is granted, as follows:

1. **Disclosure of Expert Witnesses.** The plaintiff shall, as soon as practicable but not later than **May 1, 2007**, serve the defendant with the statement required by Fed R. Civ. P. 26 (a)(2) regarding each expert witness he expects to call to testify at trial pursuant to the provisions of Rule 702, 703, or 705, Fed. Rules of Evidence. The defendant shall serve the plaintiff with its statement of expert witnesses it expects to call to testify pursuant to Rule 702, 703, or 705, Fed. Rules of Evidence, pursuant to Fed. R. Civ. P. 26 (a)(2) as soon thereafter as practicable, but not later than **June 4, 2007**.

2. **Discovery Deadline.** All discovery, including depositions, whether or not they are intended to be used at trial, shall be completed by **July 31, 2007**. All interrogatories, requests for admission and requests for production or inspection, whether or not they are intended to be used at trial, shall be served sufficiently early to allow a response prior to said date. Counsel may stipulate to extensions of time to respond to discovery requests in accordance with Fed. R. Civ. P. 29, as amended, but such extensions shall not extend any of the dates in this order. Any requests for extension of any of the deadlines herein shall be made by appropriate motion and order.

3. **Motions for Summary Judgment.** The plaintiff's motion for summary judgment shall be filed on or before **August 31, 2007**. The defendant's motion for summary judgment and opposition to plaintiff's motion for summary judgment shall be filed on or before **October 2, 2007**.

4. **Stipulation of Factual Record.** If this case is not disposed of by summary judgment, the parties have stipulated to trial on a stipulated factual record and briefs. The parties will submit the stipulated factual record and a proposed briefing schedule within thirty (30) days of entry of an order denying both motions for summary judgment.

**DATED April 2, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**